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 Operating Engineers Local Union No. 3 and John Bonilla

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

FLORENCE DAVIS, Plaintiff, v. OPERATING ENGINEERS LOCAL UNION NO. 3, JOHN BONILLA, Defendants.) No. C-05-00221 MMC)) JOINT STIPULATION EXTENDING) THE DEADLINE FOR CONDUCTING) AN EARLY NEUTRAL EVALUATION) SESSION; AND [PROPOSED] ORDER)) [ADR Local Rule 5-5(a)])))
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Plaintiff Florence Davis, by her attorney Geoffrey Spellberg of Meyers, Nave, Riback, Silver & Wilson, and Defendants Operating Engineers Local Union No. 3 and John Bonilla by their attorney Alan G. Crowley of Weinberg, Roger & Rosenfeld, jointly stipulate to extend the deadline for conducting an early neutral evaluation session by sixty (60) days for the following reasons:

1. After the Court's ADR Unit assigned Ms. Anna Marie Gannon as the evaluator for the parties, she switched employment to the Littler Mendelson law firm.
2. Defendant Operating Engineers requested the ADR Unit assign a different evaluator because of a potential conflict of interest and concern about Ms. Gannon's bias. Ms. Gannon's new law firm represents many contractors and employers with whom Operating Engineers Local

No. 3 has collective bargaining agreements, occasional labor disputes, and labor union organizing drives. Littler Mendelson frequently represents employers on the opposite side of labor disputes with Operating Engineers Local Union No. 3.

3. On September 19, 2005, the ADR unit advised the parties that it will provide a new evaluator, however, the new evaluator may not be able to schedule an Early Neutral Evaluation session prior to the current deadline of October 16, 2005. The ADR unit requested we contact the court about extending the deadline.

4. The trial date is scheduled for May 22, 2006; and, the non-expert discovery cutoff is Dec. 9, 2005.

5. For these reasons, the parties are in agreement that the deadline to complete the early neutral evaluation session should be extended by sixty (60) days.

6. Therefore, pursuant to Civil Local Rule 7-1 and 7-11 and ADR Local Rule 5-5, the parties jointly request the Court extend the deadline for conducting the early neutral evaluation by sixty (60) days, which is by the date of December 16, 2005.

Date: September 20, 2005

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

By: /s/

SANDRA RAE BENSON
ALAN G. CROWLEY
Attorneys for Defendants

Date: September 20, 2005

MEYERS, NAVE, RIBACK, SILVER & WILSON


By: /s/

GEOFFREY SPELLBERG
Attorneys for Plaintiff

ORDER.

PURSUANT TO STIPULATION, it is so ordered that the Early Neutral Evaluation session in this matter shall be completed prior to December 16, 2005.

Date: Sept. 20, 2005


JUDGE MAXINE M. CHESNEY
United States District Judge

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